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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,681	10/29/2003	Patrick T. Case	4988-1	9829

22442 7590 02/28/2007  
SHERIDAN ROSS PC  
1560 BROADWAY  
SUITE 1200  
DENVER, CO 80202

EXAMINER
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DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
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3611

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/697,681	CASE, PATRICK T.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Cassandra Davis	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7,9-13,15-17 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-13,15-17 and 19-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 11, 2006 has been entered.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 9-13, 15-17, 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin, U. S. Patent 6,216,375 in view of Mickey et al., U. S. Patent 4,035,940. Griffin teaches a display panel 1 having horizontal tracks that accept alphanumeric characters plates 23, wherein the plate 23 maybe transparent, translucent, or opaque. Griffin teaches the plates having an upper edge and a lower edge, wherein the

edges are adapted to slide within upper and lower tracks. Figures 38 and 39 show the plates 173 extending over two tracks.

3. Figures 1 and 1A show the display panel having a plurality of plates 23 mounted side-by-side and on a plurality of rows to form an overall image. The first plate 23 having a "C" depicted thereon correspond to the first panel element having textual character and the horizontal adjacent panel 23 having a "O" depicted thereon correspond to the second panel element having textual character. Griffin also teaches a third panel having an "I" depicted thereon vertically adjacent the first and second panel. The top edges of the first and second panel are engaged in track 15 and the bottom edge of first and second panel and the top edge of the third panel is engage in track 17. It is inherent that the top and bottom edges of the panels that engage the tracks or not displayed to the viewer.

4. Mickey teaches a sign construction comprising a segmented sign board with holding channels 21, 21a, and 21b adapted to receive panels L, wherein the panel L can comprises indicia in the form of letters, numbers or other indicia. The upper and lower edges of the panel L are inserted in the upper and lower channel members U. Mickey teaches an entire image or word may be formed by inserting a plurality of panels into adjacent channel

members U as seen in figure 1 wherein the word or image "SIGN" is depicted. The panels L can then be inserted sequentially into the channels U to show an overall image. Once the panel is inserted into the channel U, the upper and lower edge of the panel is obscured. Since the applicant does not claim the entire surface of the panels contains graphics, Mickey clearly teaches the panels/semiotic elements are continuous with respect to one another and act together to form an "continuous message without discontinuities".

5. It would have been obvious to one having ordinary skill in the art the time this invention was made to construct the display panel taught by Griffin using the image elements/panels position adjacent one another as taught by Mickey to permit the joining of more than two sign/image portions so that an overall image can be configured.

6. With respect to claim 2, Griffin teaches a first, second, and third panel element 23 inserted into the tracks to form a continuous message or image.

7. With respect to claims 3 and 9, Figure 1A of Griffin shows the message extend across all of the surface of the board 1 and Figure 11 of Griffin show the image panels extend across all of the slat wall 11.

8. With respect to claims 4, 11 both Griffin and Mickey show the sign/image panel element having the height of one track.
9. With respect to claim 5, 12, 19 Griffin show the sign panel element can have the height of at least two tracks. See figures 38 and 39.
10. With respect to claim 6, Griffin shows the panels have a length of less than one track.
11. With respect to claims 10, Mickey teaches the message on the image panel is a graphic design.
12. With respect to claim 17, the examiner takes OFFICIAL NOTICE that forming graphic images using a plurality of colors is old and well known in the art and would have been obvious to one having ordinary skills to enhance the aesthetic appearances of the panels.
13. With respect to claim 20, the panels taught by both Mickey and Griffin do not overlap.
14. With respect to claims 22 and 23, Griffins show the panels having textual characters.
15. With respect to claims 23 and 24, Mickey shows the panels having graphic elements.

***Response to Arguments***

16. Applicant's arguments with respect to claim 1 is have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
February 19, 2007